

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT**

<b>IN RE:</b>	)	
<b>Motions for Summary Judgment under</b>	)	<b>CHAMBERS RULE No. 1</b>
<b>Fed. R. Bankr. Proc. 7056 - Chambers Rule</b>	)	
<b>for: Hon. Charles J. Marro,</b>	)	<b>U.S. BKRPCTCY CRT</b>
<b>Hon. Robert L. Krechevsky, and</b>	)	<b>DISTRICT OF VT</b>
<b>Hon. Robert E. Littlefield, Jr.</b>	)	<b>SEP 30 1999</b>

FILED BY  
DAVID A. SIME

**Whereas** the Local Rules of Practice and Procedure in Bankruptcy for the District of Vermont do not address motions for summary judgment filed pursuant to Fed. Bankr. Rule 56, and


**Whereas** this Court notes a need for additional procedures to efficiently address and consider such motions,

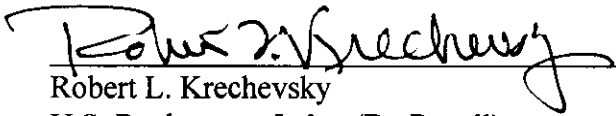
**IT IS ORDERED** that the following applies to any motions for summary judgment pursuant to Fed. Bankr. Rule 7056 filed in all cases and adversary proceedings assigned to Hon. Charles J. Marro, Hon. Robert L. Krechevsky, and Hon. Robert E. Littlefield, Jr.:


- (a) **Memorandum of Law, Opposition and Oral Argument.** All motions shall be accompanied by a written memorandum of law and shall indicate in the lower margin of the motion whether oral argument is requested. Failure to submit a memorandum may be deemed sufficient cause to deny the motion. Unless otherwise ordered by the Court, all memoranda in opposition to any motion shall be filed within twenty-one (21) days of the filing of the motion, and shall indicate in the lower margin of the first page of such memoranda whether oral argument is requested. Failure to submit a memorandum in opposition to a motion may be deemed sufficient cause to grant the motion, except where the pleadings provide sufficient grounds to deny the motion.
- (b) **Statements of Undisputed Facts.**
1. Upon motion for summary judgment there shall be annexed to the motion a

separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue of fact to be tried. All material facts set forth in said statement will be deemed to be admitted unless controverted by the statement required to be served by the opposing party in accordance with 2) below.

2. The papers opposing a motion for summary judgment shall include a separate, short and concise statement of the material facts as to which it is contended that there exists a genuine issue of fact to be tried.
  3. The statements referred to above shall be in addition to the material required by the Local Rules and Federal Rules of Bankruptcy Procedure.
- (c) **Consideration by the Court.** Nothing in this order shall require the Judge ruling on the motion to review portions of the record in response to a motion, where the moving papers do not make specific reference to such portions of the record. Notwithstanding that a request for oral argument has been made, the Judge may, in his discretion, deny such request. To expedite a decision or for other good cause, the Court may, on notice to all parties, rule on a motion before the expiration of the 21-day period ordinarily permitted for filing opposition papers.

Dated this 14<sup>th</sup> day of September, 1999.   
Charles J. Marro  
U.S. Bankruptcy Judge (By Recall)

Dated this 16 day of September, 1999.   
Robert L. Krechevsky  
U.S. Bankruptcy Judge (By Recall)  
(Sitting by Special Designation)

Dated this 27<sup>th</sup> day of September, 1999.   
Robert E. Littlefield, Jr.  
U.S. Bankruptcy Judge  
(Sitting by Special Designation)